

PETITION FOR ZONING RE-CLASSIFICATION
SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from D.R. 16 zone to an R.O. zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for offices

RECEIVED
BALTIMORE COUNTY
FEB 27 3 20 PM '81
COUNTY BOARD OF APPEALS
BY: [Signature]

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s): Bernard G. Link
Personal Representative of the Estate of Marion Plogman
(Type or Print Name)
Signature
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
Austin W. Brizendine, Jr.
(Type or Print Name)
Signature
Address
City and State

Attorney's Telephone No.: 828-7100

8-3-3-74 2/24/81

BERNARD G. LINK, JR.
S/S Sudbrook Lane, 726' W. of Reisterstown Rd.,
Towson, Maryland 21204

EXPLANATION TO ACCOMPANY
PETITION FOR RE-CLASSIFICATION

Petitioner is seeking to have the zoning of the subject property re-classified due to an alleged error in the classification of the property on the zoning map adopted October 14, 1980. The current zoning is D.R. 16. The zoning sought is R.O. It is alleged that the D.R. 16 zone was established in error, as hereafter explained.

The property is a 1/3 acre tract located on Sudbrook Lane. It is flanked on either side by lots of equal size. On each of the adjacent lots are located former residential buildings now being used for offices pursuant to Special Exceptions granted by the Zoning Commissioner. A small residence is now located on the subject lot. It was occupied by Marion Plogman, now deceased, as a residence up to the time of her death. While she occupied the property, there was no need to ask for re-classification or seek a special exception regardless of neighborhood conditions. It is the Petitioner's contention that had R.O. zoning been available and requested on the new zoning map that the zoning classification now sought would have been granted. Since no request was made, however, there was no need to study the advisability of such zoning. Such a study would have revealed the propriety of R.O. zoning.

The R.O. zone classification was established for the first time on February 7, 1980. Up to September 12, 1980, offices were permitted in D.R. 16 zones by special exception. Therefore, there was no need to request classification of the property as R.O. until the time had passed for proposing such a zone on the new map had passed. The effect of the new legislation was not considered when zoning the subject property.

For the above reasons, it is contended that the County Council erred in zoning the subject property D.R. 16 and that it should be re-classified to R.O.

Respectfully submitted,

Austin W. Brizendine, Jr.
Attorney for Bernard G. Link,
Personal Representative of the
Estate of Marion Plogman

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
from D.R. 16 to R-O Zone
S/S Sudbrook Lane 726'
W of Reisterstown Rd., 3rd District : OF BALTIMORE COUNTY

BERNARD G. LINK, Petitioner : Item 15, Cycle I
Estate of Marion Plogman

ORDER TO ENTER APPEARANCE

To the Honorable, Members of Said Board:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Dep. People's Counsel

John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 25th day of August, 1981, a copy of the foregoing Order was mailed to Austin W. Brizendine, Jr., Esquire, 406 Jefferson Building, Towson, Maryland 21204, Attorney for Petitioner.

John W. Hession, III

BALTIMORE COUNTY
ZONING PLANS
ADVISORY COMMITTEE



PETITION AND SITE PLAN
EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 29, 1981

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

GO
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
Public Works Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Austin W. Brizendine, Jr., Esquire
406 Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204

RE: Item No. 15 (Cycle I April-Oct., 1981) Petitioner: Estate of Marion Plogman
Reclassification Petition

Dear Mr. Brizendine:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the 1st 1980-84 zoning cycle.

The petition has been reviewed by the Zoning Office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee.

The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and commenting agencies' standards and policies, you are requested to review these comments, make your own judgement as to their accuracy and submit the necessary amendments to this office before May 29, 1981. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

Located on the south side of Sudbrook Lane, west of Reisterstown Road, in the 3rd Election District, the subject property, known as 105 Sudbrook Lane, is zoned D.R.16, and is improved with an individual dwelling. Because of your client's proposal to rezone this property to R-O, this reclassification is required.

Item No. 15 - Estate of Marion Plogman
Page Two - April 29, 1981

When the original petition forms were submitted, the forms indicated that a special exception was requested for a Class B office building in the proposed R-O Zone. However, after conversation with you and the accompanying letter in this file, the proposed special exception was deleted from the petition request.

Particular attention should be afforded to the comments of the Department of Permits and Licenses.

If you have any questions concerning the enclosed comments, please feel free to contact me at 494-3391. Notice of the specific hearing date, which will be between September and December of 1981, will be forwarded to you in the future.

Very truly yours,

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC/sf

Enclosures

cc: Gerhold, Cross & Etzel
412 Delaware Avenue
Towson, Maryland 21204



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

April 1, 1981

MR. Walter A. Reiter, Jr.
Chairman, Board of Appeals
Court House
Towson, Maryland 21204

RE: Item #15 (Cycle I - April-October 1981)
Property Owner: Bernard G. Link - Estate of Marion Plogman
S/S Sudbrook Lane, 726' W. of Reisterstown Road
Existing Zoning: D.R. 16
Proposed Zoning: R-O
Acres: 0.33 District: 3rd

Dear Mr. Reiter:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Sudbrook Lane, an existing public road, is proposed to be improved in the future as a 50-foot closed section roadway on a 70-foot right-of-way.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards and Specifications.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item #15 (Cycle I - April-October 1981)
Property Owner: Bernard G. Link - Estate of Marion Plogman
Page 2
April 1, 1981

Water and Sanitary Sewer:

There is a 12-inch public water main and 8-inch public sanitary sewerage in Sudbrook Lane.

Very truly yours,

ROBERT A. MORGAN, P.E., Chief
Bureau of Public Services

RAM:EAM.FWR:ss

cc: Jack Wimbley

P-SE Key Sheet
28 NW 21 Pos. Sheet
NW 7 P Topo
78 Tax Map

March 30, 1981

Mr. Walter A. Reiter, Jr.
Chairman, Board of Appeals
Office of Law
Courthouse
Towson, Maryland 21204

Item 15 - ZAC meeting of March 16, 1981
Property Owner: Bernard G. Link Estate of Marion Plogman
Location: S/S Sudbrook Lane 726' W. of Reisterstown Road
Existing Zoning: D.R. 16
Proposed Zoning: R O
Acres: 0.33
District: 3rd

Dear Mr. Reiter:

This site is not expected to be a major traffic generator.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Engineer Associate II

MSF/bza

April 6, 1981

Mr. Walter Reiter, Chairman
Board of Appeals
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Reiter:

Comments on Cycle I, #15, Zoning Advisory Committee Meeting of
March 16, 1981, are as follows:

Property Owner: Bernard G. Link, Estate of Marion Plogman
Location: S/S Sudbrook Lane 726' W. of Reisterstown Road
Existing Zoning: D.R. 61
Proposed Zoning: R O
Acres: 0.33
District: 3rd

Metropolitan water and sewer are available. If a new building
structure is proposed, connection to sewer may be subject to the Gwynns
Falls sewer moratorium.

The zoning plan as submitted, does not contain sufficient informa-
tion; therefore, the Baltimore County Department of Health cannot make com-
plete comments.

Very truly yours,

Jim J. Forrest
Jim J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJF/sls

PAUL H. RENCKE
CHIEF

March 19, 1981

Mr. William Hammond cc: Walter Reiter
Zoning Commissioner Chairman of Board of Appeals
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Bernard G. Link Estate of Marion Plogman

Location: S/S Sudbrook Lane 726' W. of Reisterstown Road

Item No.: 15 Zoning Agenda: Meeting of March 16, 1981

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this
Bureau and the comments below marked with an "X" are applicable and required to
be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be
located at intervals or _____ feet along an approved road in
accordance with Baltimore County Standards as published by the
Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the
Fire Prevention Code prior to occupancy or beginning of operation.

XX 5. The buildings and structures existing or proposed on the site shall
comply with all applicable requirements of the National Fire Protection
Association Standard No. 101 "Life Safety Code", 1976 Edition prior
to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: *Noted and Approved: [Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

/nb

BALTIMORE CC UNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Walter Reiter
Board of Appeals Chairman
TO: Mr. Charles E. Burnham
FROM: Plans Review Chief - Permits and Licenses
SUBJECT: Cycle I - 1981
RE: Cycle Zoning March 24, 1981

PROPERTY OWNER: Bernard G. Link - Estate of Marion Plogman
LOCATION: S/S Sudbrook Lane 726' W of Reisterstown Road
EXISTING ZONING: D.R. 16
PROPOSED ZONING: R O
ACRES: 0.33
DISTRICT: 3rd

ITEM NO. 15

It appears a change of occupancy as well as an alteration permit to
upgrade the existing building to the Building Code requirements for the proposed
new use will be required.

It can only be assumed any existing structures can comply with the
height and area requirements of Table 305 for the proposed use.

NOTE: All comments are based on data provided on site plans and
data provided by the Zoning Advisory Committee.
Comments in many cases cannot be more specific or advisory
due to the listed information.

Charles E. Burnham
Charles E. Burnham
Plans Review Chief

CES:rrj

CC: Nick Commodari

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Nick Commodari Date: April 23, 1981
FROM: Charles E. (Ted) Burnham
SUBJECT: Zoning Advisory Committee
Meeting of April 7, 1981

ITEM NO. 15 Revised - Previous comments still apply
ITEM NO. 143 Revised - Previous Comments Still apply.
ITEM NO. 177 See Comments
ITEM NO. 178 See Comments
ITEM NO. 179 See Comments
ITEM NO. 180 See Comments
ITEM NO. 181 See Comments

Charles E. Burnham

Charles E. Burnham
Plans Review Chief

CES:rrj

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent
Towson, Maryland - 21204
Date: March 23, 1981

Mr. Walter Reiter
Chairman, Board of Appeals
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Zoning Cycle #1 March 16, 1981

RE: Item No: 15
Property Owner: Bernard G. Link Estate of Marion Plogman
Location: S/S Sudbrook Lane 726' W. of Reisterstown Rd.
Present Zoning: D.R. 16
Proposed Zoning: R-O

School Situation

School	Enrollment	Capacity	Over/Under
--------	------------	----------	------------

Comment: Acreage too small to have an effect on student population.

Student Yield With:	Existing Zoning	And	Proposed Zoning
Elementary			
Junior High			
Senior High			

Very truly yours,
Nick Petrovich
Mr. Nick Petrovich, Assistant
Department of Planning

WSP/bp

CARL L. GERHOLD
PHILIP A. CROSS
JOHN F. ETZEL
WILLIAM G. ULRICH
GORDON T. LANGDON

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG

February 25, 1981

Zoning Description

All that piece or parcel of land situate, lying and being
in the Third Election District of Baltimore County, State of Mary-
land and described as follows to wit:

Beginning for the same at a point on the south side of
Sudbrook Lane, 60 feet wide, at a distance of 726 feet measured
westerly along the south side of Sudbrook Lane from the center of
Reisterstown Road, thence binding on the south side of Sudbrook
Lane, South 61 degrees 38 minutes West 67.00 feet, thence leaving
said Lane and binding on the property lines of the petitioner
herein, the three following courses and distances viz: South 28
degrees 10 minutes East 215.00 feet, North 61 degrees 35 minutes
East 67.00 feet and North 28 degrees 10 minutes West 214.94 feet
to the place of beginning.

Containing 0.33 of an Acre of land more or less.

Being the property of the petitioner herein and shown on
a plat filed with the Zoning Department.



CARL L. GERHOLD
PHILIP A. CROSS
JOHN F. ETZEL
WILLIAM G. ULRICH
GORDON T. LANGDON

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG

February 25, 1981

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in the Third Election District of Baltimore County, State of Mary-
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westerly along the south side of Sudbrook Lane from the center of
Reisterstown Road, thence binding on the south side of Sudbrook
Lane, South 61 degrees 38 minutes West 67.00 feet, thence leaving
said Lane and binding on the property lines of the petitioner
herein, the three following courses and distances viz: South 28
degrees 10 minutes East 215.00 feet, North 61 degrees 35 minutes
East 67.00 feet and North 28 degrees 10 minutes West 214.94 feet
to the place of beginning.

Containing 0.33 of an Acre of land more or less.

Being the property of the petitioner herein and shown on
a plat filed with the Zoning Department.



11-23
MOORE, HENNEGAN, CARNEY & RYAN
ATTORNEYS AT LAW
406 JEFFERSON BUILDING
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

March 24, 1981

E. SCOTT MOORE
A. OWEN HENNEGAN
ROBERT E. CARNEY, JR.
ROBERT J. RYAN
AUSTIN W. BRIZENDINE, JR.

828-7100
AREA CODE 301

Mr. Nicholas Commadari
Office of Zoning
107 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Zoning Reclassification
105 Sudbrook Lane
Estate of Marion Plogman

Dear Mr. Commadari: *Item No. 15*

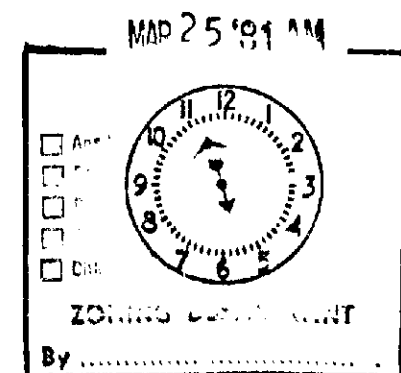
Confirming our conversation, please delete the request for Special Exception for a Class B Office Building from the above Petition. The only action now requested is the zoning re-classification.

Thank you for your attention to the above.

Very truly yours,

Austin W. Brizendine, Jr.
Austin W. Brizendine, Jr.

AWB,Jr:nmb



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353
WILLIAM E. HAMMOND
ZONING COMMISSIONER

June 30, 1981

Austin W. Brizendine, Jr., Esquire
406 Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204

Re: Item No. 15 - Cycle No. 1
Petitioner - Estate of Marion Plogman
Reclassification Petition

Dear Mr. Brizendine:

This is to advise you that \$77.15 is due for the first advertising of the above property. Two additional bills will be forwarded to you in the near future. All bills must be paid before an order is issued.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:mch

MOORE, HENNEGAN, CARNEY & RYAN
ATTORNEYS AT LAW
406 JEFFERSON BUILDING
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

January 12, 1982

E. SCOTT MOORE
A. OWEN HENNEGAN
ROBERT E. CARNEY, JR.
ROBERT J. RYAN
AUSTIN W. BRIZENDINE, JR.

828-7100
AREA CODE 301

Secretary
Baltimore County Board of Appeals
Old Courthouse
Towson, Maryland 21204

Re: Petition for Reclassification
(Estate of M. Plogman, Item 15, Cycle 1)

Dear Secretary:

I represented the above Petitioner in the referenced proceeding before the Board. The hearing was held on November 4, 1981. I would appreciate being notified of the Board's decision as soon as it has been made.

Thank you for your attention to the above.

Very truly yours,

Austin W. Brizendine, Jr.
Austin W. Brizendine, Jr.

AWB,Jr:nmb

cc: Bernard G. Link, Esquire
Jerry Mazza

MOORE, HENNEGAN, CARNEY & RYAN
ATTORNEYS AT LAW
406 JEFFERSON BUILDING
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

October 12, 1981

E. SCOTT MOORE
A. OWEN HENNEGAN
ROBERT E. CARNEY, JR.
ROBERT J. RYAN
AUSTIN W. BRIZENDINE, JR.

828-7100
AREA CODE 301

Mr. William T. Hackett, Chairman
County Board of Appeals
Room 218
Courthouse
Towson, Maryland 21204

Re: Notice of Hearing
Petition for Re-Classification
S/s Sudbrook Lane, 746' W of Reisterstown Rd.
Bernard G. Link, Personal representative-Petitioner
Case No. R-82-74

Dear Mr. Hackett:

Please postpone the above hearing to the next available date. I have a trial previously scheduled on November 4, 1981 in the Circuit Court for Baltimore County.

Thank you.

Very truly yours,

Austin W. Brizendine, Jr.
Austin W. Brizendine, Jr.

AWB,Jr:nmb

10-15-81 - Hans message to Mr. B. that Chairman denied his request for postponement due to adv. posting, etc. If he wants a continuance this request must be made in open hearing and the Board at that time will decide whether or not to grant same. C

RECEIVED
BALTIMORE COUNTY
Oct 11 11 24 AM '81
COMPL. SEC. RD
BY: [initials]

Austin W. Brizendine, Jr., Esquire
406 Jefferson Building
Towson, Maryland 21204

October 7, 1981

NOTICE OF HEARING

RE: Petition for Re-classification
S/s Sudbrook Lane, 746' W of Reisterstown Rd.
Bernard G. Link, personal representative-Petitioner
Case #R-82-74

RE: Petition for Re-classification
S/s Sudbrook La., 746' W of Reisterstown Rd.
Bernard G. Link - Petitioner
Case #R-82-74

Dear Mr. Brizendine:

This is to advise you that \$52.55 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:klr

Paid

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353
WILLIAM E. HAMMOND
ZONING COMMISSIONER

November 4, 1981

Austin W. Brizendine, Jr., Esquire
406 Jefferson Building
Towson, Maryland 21204

RE: Petition for Re-classification
S/s Sudbrook La., 746' W of Reisterstown Rd.
Bernard G. Link - Petitioner
Case #R-82-74

Dear Mr. Brizendine:

This is to advise that \$51.31 is due for the 2nd full page add of the cycle 1 billing. You have already been billed for the 1st full page add as well as for the individual posting and advertising of this property. All bills must be paid before an order is issued. This is your final bill.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland, 21204, as soon as possible.

Very truly yours,

William E. Hammond
William E. Hammond
Zoning Commissioner

WEH:klr

PETITION FOR RE-CLASSIFICATION
3rd DISTRICT

ZONING: Petition for Re-classification
LOCATION: South side of Sudbrook Lane, 746 ft. West of Reisterstown Rd.
DATE & TIME: Wednesday, November 4, 1981 at 10:00 A. M.
PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland
The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter, will hold a public hearing:
Present Zoning: D, R. 16
Proposed Zoning: R. O.

All that parcel of land in the Third District of Baltimore County

Being the property of Bernard G. Link, Personal Representative of the Estate of Marion Plogman, as shown on plat plan filed with the Zoning Department

Hearing Date: Wednesday, November 4, 1981 at 10:00 A. M.
Public Hearing: Room 218, Courthouse, Towson, Maryland

BY ORDER OF
WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Tully Paid - per Karen 11-24-81

RECEIVED
BALTIMORE COUNTY
Nov 2 2 21 PM '81
COUNTY CLERK
BY: [initials]

CARL L. GERHOLD
PHILIP H. CROSS
JOHN F. EISEL
WILLIAM H. HARRIS
GORDON T. LANGRISH

GERHOLD, CROSS & EISEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4770

EMERITUS
PAUL H. DOLLEMEYER
PAUL H. DOLLEMEYER

494-3160

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
January 28, 1982

March 25, 1981

Zoning Description

All that piece or parcel of land situate, lying and being in the Third Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point on the south side of Sudbrook Lane, 60 feet wide, at a distance of 746 feet measured westerly along the south side of Sudbrook Lane from the center of Reisterstown Road, thence binding on the south side of Sudbrook Lane, South 61 degrees 38 minutes West 67.00 feet, thence leaving said Lane and binding on the property lines of the petitioner herein, the three following courses and distances viz: South 28 degrees 10 minutes East 215.00 feet, North 61 degrees 35 minutes East 67.00 feet and North 28 degrees 10 minutes West 214.94 feet to the place of beginning.

Containing 0.33 of an Acre of land more or less.

Being the property of the petitioner herein and shown on a plat filed with the Zoning Department.



REVISED PLANS

MARK 30 RECD

ITEM 115

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD
From D.R. 16 to R-O Zone : OF APPEALS OF
S/S Sudbrook Lane 726' :
BERNARD G. LINK, Petitioner : BALTIMORE COUNTY
Estate of Marion Plogman : Item 15, Cycle 1

SUMMONS DUCES TECUM

Please issue a summons for the below-named individual to appear and testify on behalf of the Petitioner, BERNARD G. LINK, before the County Board of Appeals, Second Floor, Courthouse, Towson, Maryland 21204 at 10:00 A.M. on November 4, 1981,

Charles E. Burnham
Permits and Licenses
Baltimore County Office Building
Towson, Maryland 21204

and to bring with him all plans, recommendations, site plans, reports, studies, and the like pertaining to 105 Sudbrook Lane (Item 15, Cycle 1, Zoning Reclassification Petitions), including all documents relating to that property's zoning on the 1980 Comprehensive Map and the Petition for Re-Classification now pending before the Board of Appeals.

AUSTIN W. BRIZENDINE, JR.
Moore, Hennegan, Carney & Ryan
406 Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204-4772
828-7100

Mr. Sheriff:

Please serve the above summons.

Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD
From D.R. 16 to R-O Zone : OF APPEALS OF
S/S Sudbrook Lane 726' :
BERNARD G. LINK, Petitioner : BALTIMORE COUNTY
Estate of Marion Plogman : Item 15, Cycle 1

SUMMONS DUCES TECUM

Please issue a summons for the below-named individual to appear and testify on behalf of the Petitioner, BERNARD G. LINK, before the County Board of Appeals, Second Floor, Courthouse, Towson, Maryland 21204 at 10:00 A.M. on November 4, 1981,

Captain Joseph Kelly
Baltimore County Fire Department
Cor. of Bosley Avenue and York Road
Towson, Maryland 21204

and to bring with him all plans, recommendations, site plans, reports, studies, and the like pertaining to 105 Sudbrook Lane (Item 15, Cycle 1, Zoning Reclassification Petitions), including all documents relating to that property's zoning on the 1980 Comprehensive Map and the Petition for Re-Classification now pending before the Board of Appeals.

SUMMONED 10-29-81
NON EST 19
NON SUIT 19
COPY LEFT 19
SHERIFF
CHARLES H. HUCKY, JR.
OF BALTIMORE COUNTY

Mr. Sheriff:

Please serve the above summons.

Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

EXPLANATION TO ACCOMPANY
PETITION FOR RE-CLASSIFICATION

Petitioner is seeking to have the zoning of the subject property re-classified due to an alleged error in the classification of the property on the zoning map adopted October 14, 1980. The current zoning is D.R. 16. The zoning sought is R.O. It is alleged that the D.R. 16 zone was established in error, as hereafter explained.

The property is a 1/3 acre tract located on Sudbrook Lane. It is flanked on either side by lots of equal size. On each of the adjacent lots are located former residential buildings now being used for offices pursuant to Special Exceptions granted by the Zoning Commissioner. A small residence is now located on the subject lot. It was occupied by Marion Plogman, now deceased, as a residence up to the time of her death. While she occupied the property, there was no need to ask for re-classification or seek a special exception regardless of neighborhood conditions. It is the Petitioner's contention that had R.O. zoning been available and requested on the new zoning map that the zoning classification now sought would have been granted. Since no request was made, however, there was no need to study the advisability of such zoning. Such a study would have revealed the propriety of R.O. zoning.

The R.O. zone classification was established for the first time on February 7, 1980. Up to September 12, 1980, office were permitted in D.R. 16 zones by special exception. Therefore, there was no need to request classification of the property as R.O. until the time had passed for proposing such a zone on the new map had passed. The effect of the new legislation was not considered when zoning the subject property.

For the above reasons, it is contended that the County Council erred in zoning the subject property D.R. 16 and that it should be re-classified to R.O.

Respectfully submitted,

AUSTIN W. BRIZENDINE, JR.
Attorney for Bernard G. Link,
Personal Representative of the
Estate of Marion Plogman

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD
From D.R. 16 to R-O Zone : OF APPEALS OF
S/S Sudbrook Lane 726' :
BERNARD G. LINK, Petitioner : BALTIMORE COUNTY
Estate of Marion Plogman : Item 15, Cycle 1

SUMMONS DUCES TECUM

Please issue a summons for the below-named individual to appear and testify on behalf of the Petitioner, BERNARD G. LINK, before the County Board of Appeals, Second Floor, Courthouse, Towson, Maryland 21204 at 10:00 A.M. on November 4, 1981,

Captain Joseph Kelly
Baltimore County Fire Department
Cor. of Bosley Avenue and York Road
Towson, Maryland 21204

and to bring with him all plans, recommendations, site plans, reports, studies, and the like pertaining to 105 Sudbrook Lane (Item 15, Cycle 1, Zoning Reclassification Petitions), including all documents relating to that property's zoning on the 1980 Comprehensive Map and the Petition for Re-Classification now pending before the Board of Appeals.

SUMMONED 10-29-81
NON EST 19
NON SUIT 19
COPY LEFT 19
SHERIFF
CHARLES H. HUCKY, JR.
OF BALTIMORE COUNTY

Mr. Sheriff:

Please serve the above summons.

Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

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From D.R. 16 to R-O Zone : OF APPEALS OF
S/S Sudbrook Lane 726' :
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Estate of Marion Plogman : Item 15, Cycle 1

SUMMONS DUCES TECUM

Please issue a summons for the below-named individual to appear and testify on behalf of the Petitioner, BERNARD G. LINK, before the County Board of Appeals, Second Floor, Courthouse, Towson, Maryland 21204 at 10:00 A.M. on November 4, 1981,

Charles E. Burnham
Permits and Licenses
Baltimore County Office Building
Towson, Maryland 21204

and to bring with him all plans, recommendations, site plans, reports, studies, and the like pertaining to 105 Sudbrook Lane (Item 15, Cycle 1, Zoning Reclassification Petitions), including all documents relating to that property's zoning on the 1980 Comprehensive Map and the Petition for Re-Classification now pending before the Board of Appeals.

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Ian J. Forrest, Director
Bureau of Environmental Services
Baltimore County Office Building
Towson, Maryland 21204

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AUSTIN W. BRIZENDINE, JR.
Moore, Hennegan, Carney & Ryan
406 Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204-4772
828-7100

Mr. Sheriff:

Please serve the above summons.

Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD
From D.R. 16 to R-O Zone : OF APPEALS OF
S/S Sudbrook Lane 726' :
BERNARD G. LINK, Petitioner : BALTIMORE COUNTY
Estate of Marion Plogman : Item 15, Cycle 1

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Please issue a summons for the below-named individual to appear and testify on behalf of the Petitioner, BERNARD G. LINK, before the County Board of Appeals, Second Floor, Courthouse, Towson, Maryland 21204 at 10:00 A.M. on November 4, 1981,

Robert A. Morton, Chief
Bureau of Public Services
Baltimore County Office Building
Towson, Maryland 21204

and to bring with him all plans, recommendations, site plans, reports, studies, and the like pertaining to 105 Sudbrook Lane (Item 15, Cycle 1, Zoning Reclassification Petitions), including all documents relating to that property's zoning on the 1980 Comprehensive Map and the Petition for Re-Classification now pending before the Board of Appeals.

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S/S Sudbrook Lane 726' :
BERNARD G. LINK, Petitioner : BALTIMORE COUNTY
Estate of Marion Plogman : Item 15, Cycle 1

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Please issue a summons for the below-named individual to appear and testify on behalf of the Petitioner, BERNARD G. LINK, before the County Board of Appeals, Second Floor, Courthouse, Towson, Maryland 21204 at 10:00 A.M. on November 4, 1981,

Michael S. Flanigan
Dept. of Traffic Engineering
Baltimore County Office Building
Towson, Maryland 21204

and to bring with him all plans, recommendations, site plans, reports, studies, and the like pertaining to 105 Sudbrook Lane (Item 15, Cycle 1, Zoning Reclassification Petitions), including all documents relating to that property's zoning on the 1980 Comprehensive Map and the Petition for Re-Classification now pending before the Board of Appeals.

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Estate of Marion Plogman : Item 15, Cycle 1

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William Nick Petrovich
Department of Planning
Baltimore County Public Schools
212 Alburgh Road
Towson, Maryland 21204

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Bureau of Public Services
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Nicholas B. Commodari
Office of Zoning
County Office Building
Towson, Maryland 21204

and to bring with him all plans, recommendations, site plans, reports, studies, and the like pertaining to 105 Sudbrook Lane (Item 15, Cycle 1, Zoning Reclassification Petitions), including all documents relating to that property's zoning on the 1980 Comprehensive Map and the Petition for Re-Classification now pending before the Board of Appeals.

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RECEIVED
OCT 27 3 41 PM '81
BALTIMORE COUNTY
CLERK OF COURT

Mr. Sheriff:

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County Board of Appeals of Baltimore County

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Estate of Marion Plogman : Item 15, Cycle 1

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James Hoswell
Office of Planning and Zoning
County Courts Building, Fourth Floor
Towson, Maryland 21204

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County Board of Appeals of Baltimore County

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From D.R. 16 to R-O Zone : OF APPEALS OF
S/S Sudbrook Lane 726'
BERNARD G. LINK, Petitioner : BALTIMORE COUNTY
Estate of Marion Plogman : Item 15, Cycle 1

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Craig Piette
Office of Planning and Zoning
428 Flax County Courts Bldg.
Towson, Maryland 21204

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AUSTIN W. BRIZENDINE, JR.
Moore, Hennegan, Carney & Ryan
406 Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204-4772
828-7100

RECEIVED
NOV 2 10 32 AM '81
BALTIMORE COUNTY
CLERK OF COURT

RE: PETITION FOR RECLASSIFICATION : BEFORE
S/S Sudbrook Lane, 746' W of : COUNTY BOARD OF APPEALS
Reisterstown Rd., 3rd District :
BERNARD G. LINK, Personal Repre- : OF
sentative of the Estate of Marion : BALTIMORE COUNTY
Plogman, Petitioner :
No. R-82-74

OPINION

The case before the Board is a Petition for Reclassification of approximately 0.33 acres of property located on the south side of Sudbrook Lane, 746 feet west of Reisterstown Road, in the 3rd Election District of Baltimore County. The Petitioner requests a zoning change from the existing DR 16 to R-O.

Mr. James Hoswell, a planner with Baltimore County, described the property as located in a non-residential neighborhood, surrounded on both sides by office use with a cemetery and church school across the street. As an office use is no longer allowed with a special exception in a DR 16 zone, Bill 161-80, the County feels that an R-O zone would be consistent with this neighborhood. The subject site was not an issue before the County Council on the 1980 Comprehensive Zoning Maps.

Testimony before the Board indicated that this change was supported by the Pikesville Plan and that the neighborhood is office use. County Council Bill 167-80, which changed the regulations governing office use in a DR 16 zone, came after the adoption of the 1980 zoning maps. Therefore, the Board, for the reasons stated above, will grant the reclassification as petitioned.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 28th day of January, 1982, by the County Board of Appeals, ORDERED that the reclassification from D.R. 16 to R-O petitioned for (approximately 0.33 acres) be and the same is hereby GRANTED.

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD
From D.R. 16 to R-O Zone : OF APPEALS OF
S/S Sudbrook Lane 726'
BERNARD G. LINK, Petitioner : BALTIMORE COUNTY
Estate of Marion Plogman : Item 15, Cycle 1

SUMMONS DUCES TECUM

Please issue a summons for the below-named individual to appear and testify on behalf of the Petitioner, BERNARD G. LINK, before the County Board of Appeals, Second Floor, Courthouse, Towson, Maryland 21204 at 10:00 A.M. on November 4, 1981,

Gary Huddles, Councilman
204 Alex Brown Bldg.
Towson, Md. 21204

and to bring with him all plans, recommendations, site plans, reports, studies, and the like pertaining to 105 Sudbrook Lane (Item 15, Cycle 1, Zoning Reclassification Petitions), including all documents relating to that property's zoning on the 1980 Comprehensive Map and the Petition for Re-Classification now pending before the Board of Appeals.

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Moore, Hennegan, Carney & Ryan
406 Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204-4772
828-7100

RECEIVED
NOV 2 10 32 AM '81
BALTIMORE COUNTY
CLERK OF COURT

Bernard G. Link
R-82-74

Any appeal from this decision must be in accordance with Rules 8-1 thru 8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hockett, Chairman

Patricia Phipps

Leroy B. Spurrier

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD
From D.R. 16 to R-O Zone : OF APPEALS OF
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James Hoswell
Office of Planning and Zoning
County Courts Building, Fourth Floor
Towson, Maryland 21204

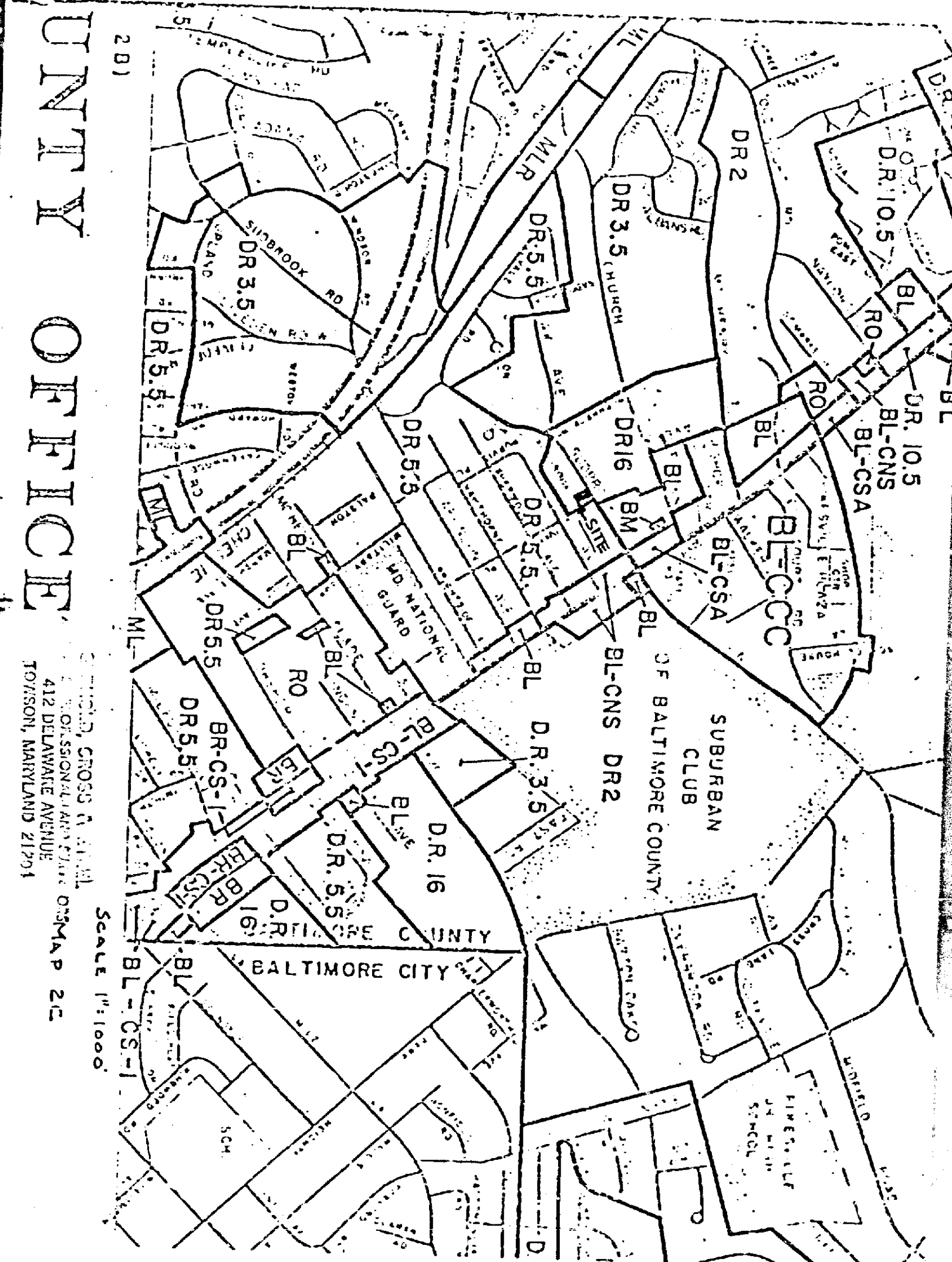
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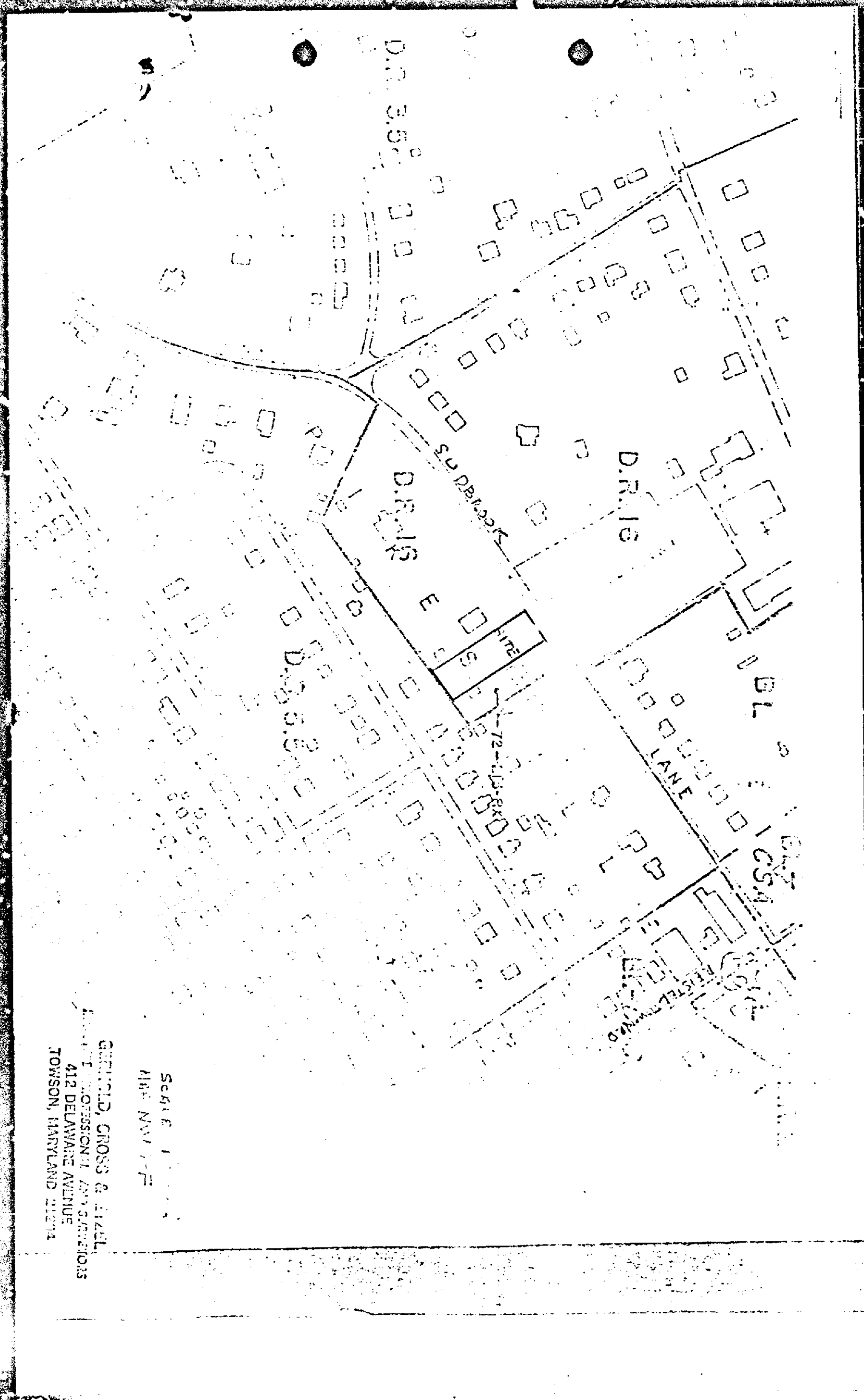
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CLERK OF COURT

Mr. Sheriff:

Please serve the above summons.

Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County





PETITION FOR RE-CLASSIFICATION
3rd DISTRICT

ZONING: Petition for Re-classification
LOCATION: South side of Sudbrook Lane, 746 ft. West of Pinesville Rd.
DATE & TIME: Wednesday, November 4, 1981 at 10:00 a.m.
PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland
The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing:
Present zoning: R.O.
Proposed zoning: R.O.
All that parcel of land in the Third Election District of Baltimore County, State of Maryland, and described as follows to wit:
Beginning for the same at a point on the south side of Sudbrook Lane, 80 feet wide, at a distance of 746 feet measured westerly along the south side of Sudbrook Lane from the center of Pinesville Road, thence binding on the south side of Sudbrook Lane, South 61 degrees 36 minutes West 67.00 feet, thence leaving said Lane and binding on the property lines of the petitioner herein, three following courses and distances viz: South 28 degrees 10 minutes East 215.00 feet, North 61 degrees 35 minutes East 17.00 feet, North 28 degrees 10 minutes West 214.94 feet to the place of beginning.
Containing 0.33 of an Acre of land more or less.
Being the property of the petitioner herein and shown on a plat filed with the Zoning Department.
Being the property of Bernard G. Link, Personal Representative of the Estate of Marion Plogman, as shown on plat plan filed with the Zoning Department.
Hearing Date: Wednesday, November 4, 1981 at 10:00 a.m.
Public Hearing: Room 218, Courthouse, Towson, Maryland.
By Order Of
WILLIAM T. HACKETT,
Chairman County Board of Appeals of Baltimore County
Oct. 14.

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 15, 1981

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Maryland, on one time, before the 15th day of November, 1981, the next publication appearing on the 15th day of October, 1981.

THE JEFFERSONIAN
L. Link Smith
Manager.

Cost of Advertisement, \$

Office of The Carroll County Times

Westminster, Md., October 15, 1981

THIS IS TO CERTIFY that the annexed Baltimore Co., Md., was published for... (1) ...successive weeks previous to the 15th...

1981, in The Carroll County Times a daily

in Westminster, Carroll County, Maryland.

COMMUNITY

THE CARROLL COUNTY TIMES

Per: K. D. Calhoun

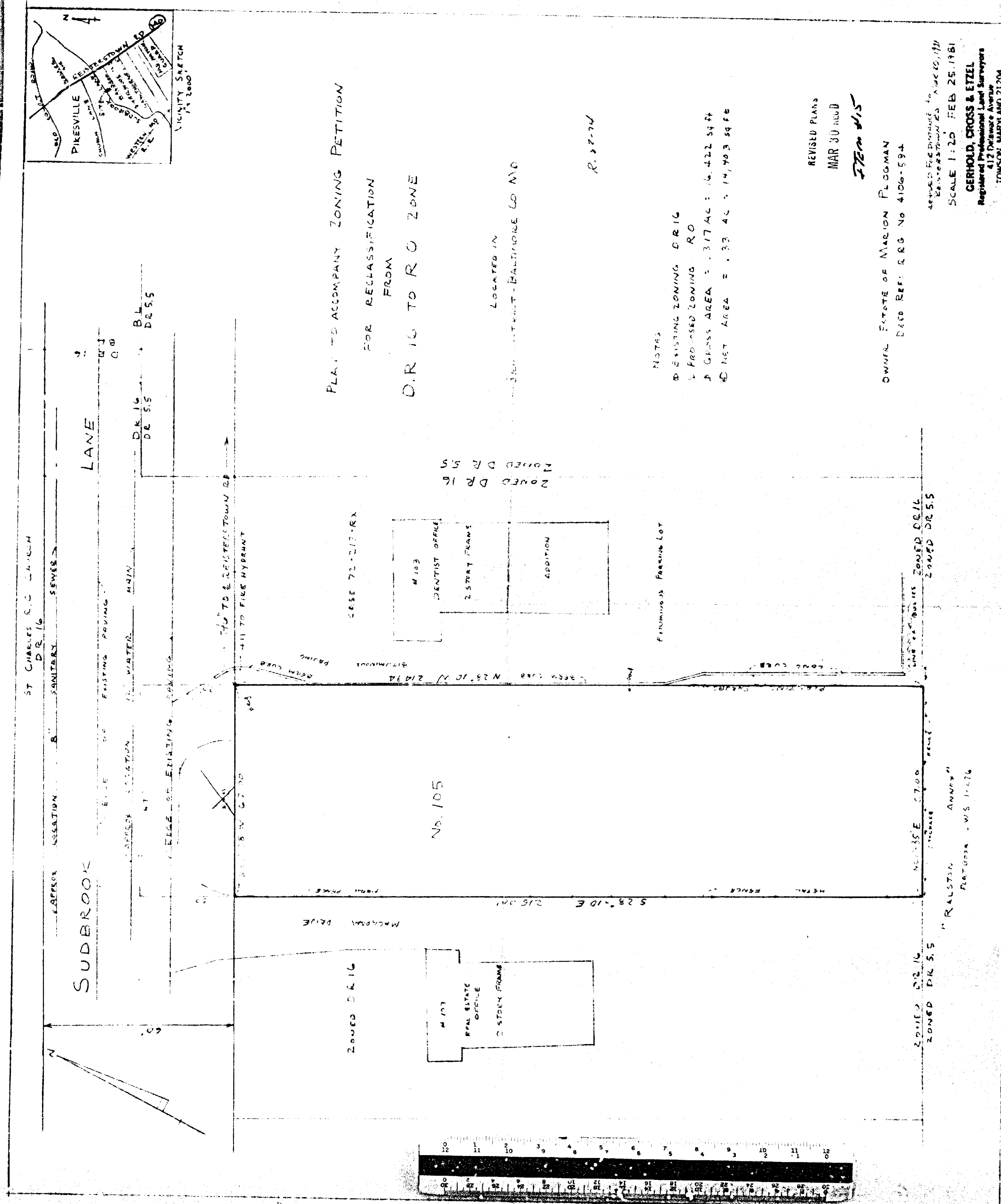
PETITION FOR RE-CLASSIFICATION 3rd DISTRICT

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Public Hearing: Room 218, Courthouse, Towson, Maryland.
By Order Of
WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals of Baltimore County



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3rd
Posted for: RE-CLASSIFICATION
Petitioner: BERNARD G. LINK
Location of property: 746 SUDBROOK LANE 746' W. OF PINEVILLE RD.
Location of Signs: FRONT OF 102 SUDBROOK LANE APPROX. 722' WEST OF PINEVILLE RD.
Remarks:
Posted by: [Signature]
Date of return: 10-23-81
Number of Signs: 1



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 100434

DATE: 8/7/81 ACCOUNT: 01-662

AMOUNT: \$77.15

RECEIVED FROM: Francis Plogman

FOR: 1st Advertising of Item 15- Cycle 1

105245K 7 77.15K

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 101652

DATE: 10/7/81 ACCOUNT: 01-662

AMOUNT: \$50.00

RECEIVED FROM: Moore, Hennegan, Carney & Ryan, attys.

FOR: Filing Fee for Case #R-82-74 (Link)

105245K 8 50.00K

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 102649

DATE: 11/24/81 ACCOUNT: 01-662

AMOUNT: \$51.31

RECEIVED FROM: Austin W. Brizendine, Jr.

FOR: 2nd Full page add for Case #R-82-74 (Link)

105245K 4 51.31K

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 102604

DATE: 11/4/81 ACCOUNT: 01-662

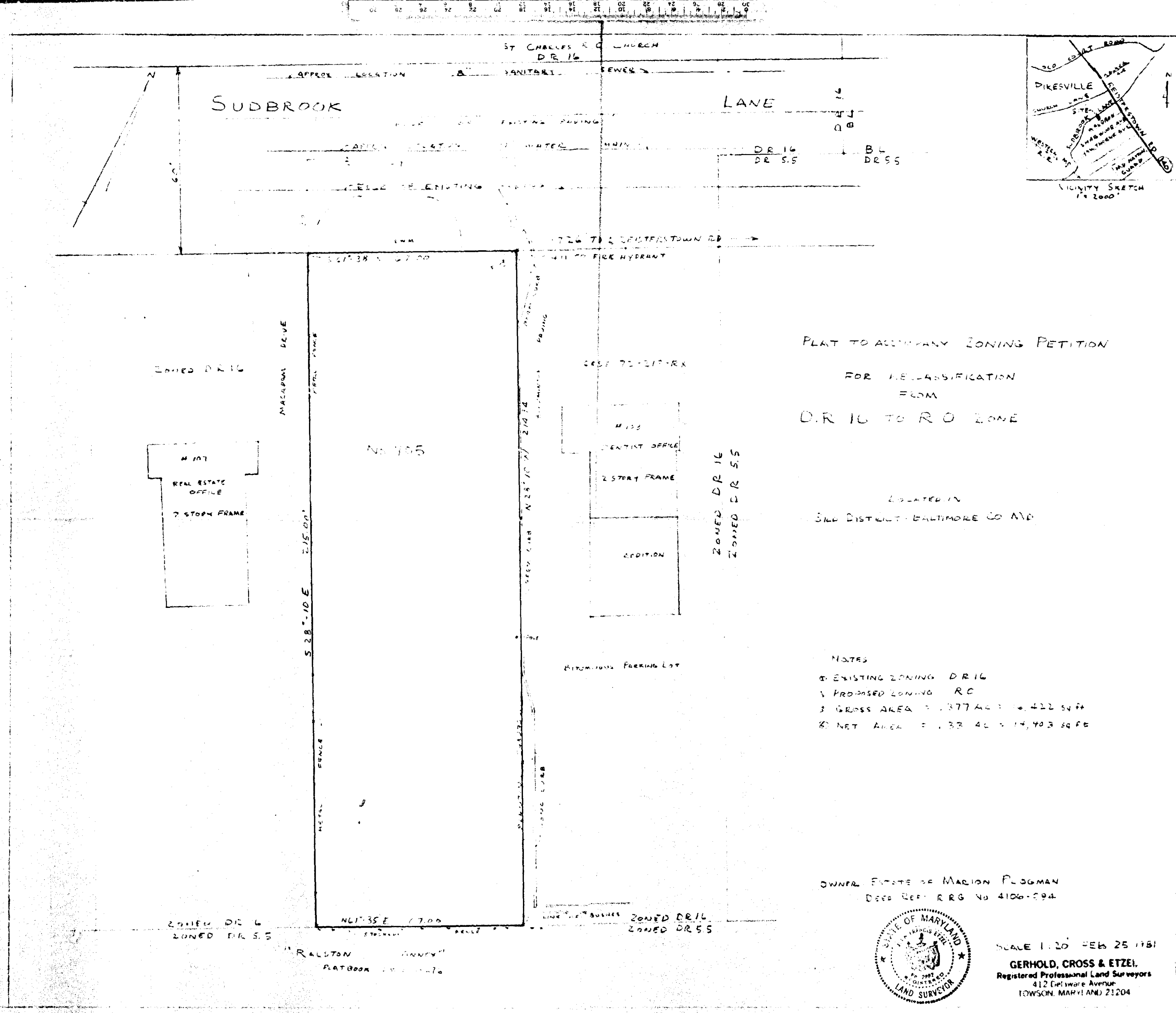
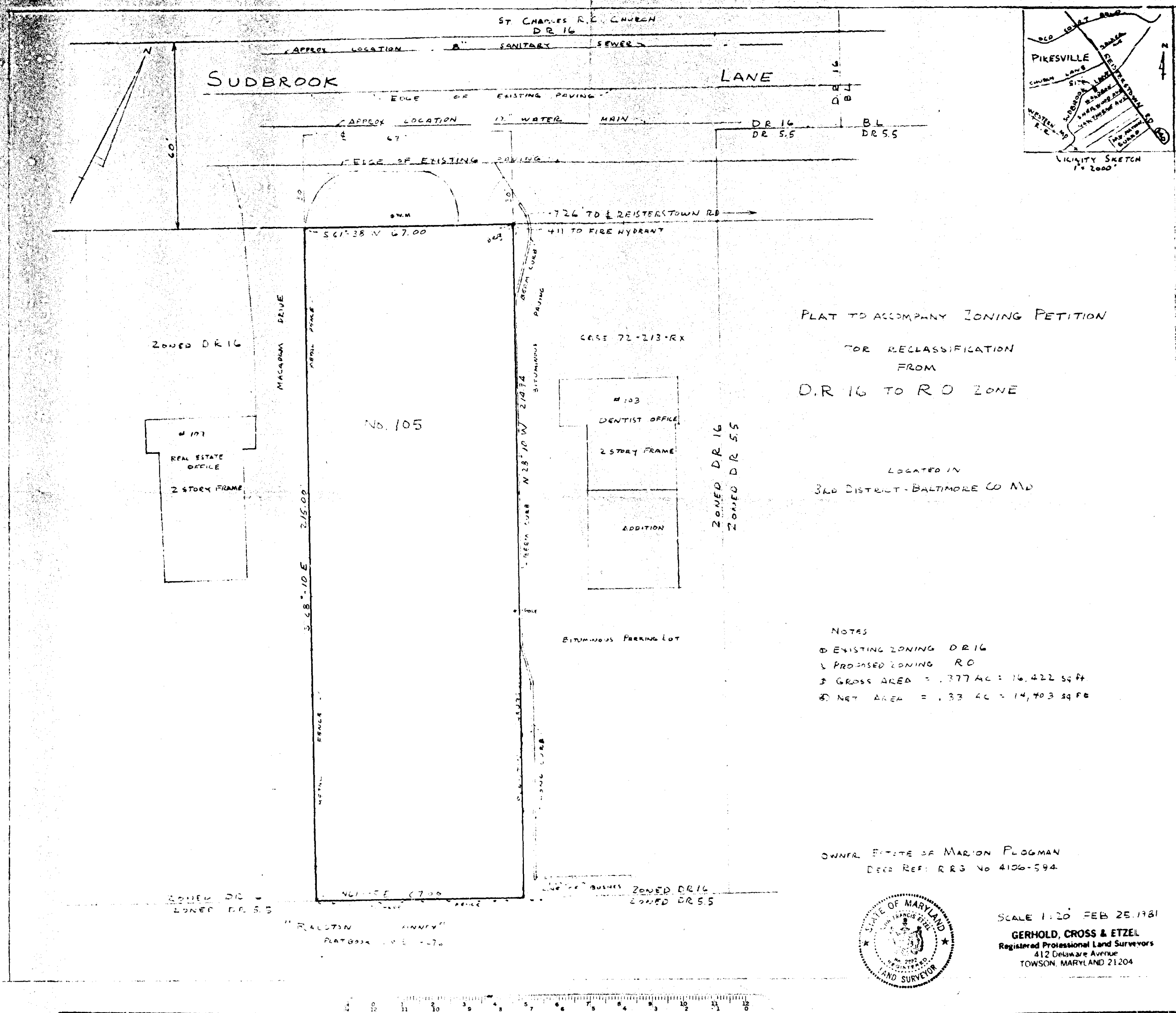
AMOUNT: \$58.55

RECEIVED FROM: Austin W. Brizendine, Jr.

FOR: Posting & Advertising for Case #R-82-74 (re-class. Link)

105245K 4 58.55K

VALIDATION OR SIGNATURE OF CASHIER



ST. CHARLES R.C. CHURCH
D.R. 16

APPROX LOCATION

8"

SEWAGE

SEWER

SUDBROOK

LANE

APPROX LOCATION

12" WATER

MAIN

D.R. 16
D.R. 5.5

B.L.
D.R. 5.5

EDGE OF EXISTING PAVING

S 61° 38' W 67.00

411 TO FIRE HYDRANT

ZONED D.R. 16

MACADAM DRIVE

S 28° 10' E 215.00

METAL FENCE

No. 105

CASE 72-213-RX

103

DENTIST OFFICE

2 STORY FRAME

ADDITION

ZONED D.R. 16
ZONED D.R. 5.5

BITUMINOUS PARKING LOT

PLAT TO ACCOMPANY ZONING PETITION

FOR RECLASSIFICATION
FROM

D.R. 16 TO R.O. ZONE

LOCATED IN

3RD DISTRICT - BALTIMORE CO MD

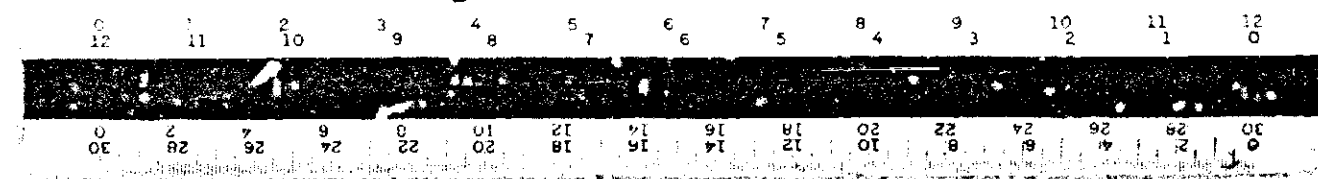
NOTES

1 EXISTING ZONING D.R. 16

2 PROPOSED ZONING R.O.

3 GROSS AREA = .377 AC = 16,422 sq ft.

4 NET AREA = .23 AC = 10,000 sq ft.

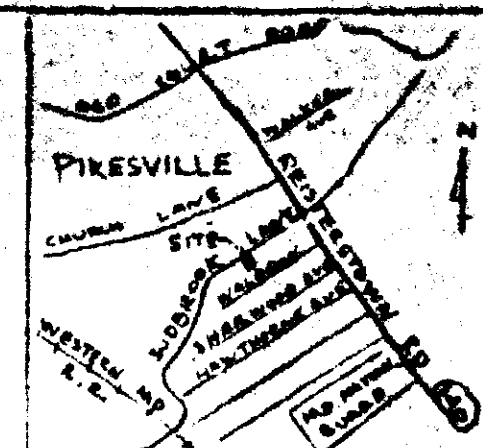


OWNER: ESTATE OF MARION FLOGMAN
DEED REF: RRG No. 4106-594

Old Plot



SCALE 1"=20' FEB 25, 1981
GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 Delaware Avenue
TOWSON, MARYLAND 21204



VICINITY SKETCH
1"=2000'

"RALSTON ANNEX"
FLATBOOK J.W.S. 1-276